

WESTINGHOUSE ELECTRIC CORPORATION (IRWIN MICA WORKS) and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL, PETITIONER. *Case No. 6-RC-878. January 25, 1952*

Decision and Direction of Election

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Joseph C. Thackery, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3 (b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Herzog and Members Houston and Murdock].

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the Act.

2. The labor organization involved claims to represent certain employees of the Employer.

3. A question affecting commerce exists concerning the representation of employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

4. The Petitioner seeks to add three methods engineers to the office and clerical unit it now represents at the Employer's Irwin, Pennsylvania, plant. Alternatively it would represent them in a separate bargaining unit. The Employer opposes their inclusion in any unit on the ground that they are managerial employees; it also contends that in any event they have professional status, and therefore may not be included in a clerical unit without a separate election.

At this plant, the Employer is engaged in the manufacture of mica tape, tubing, and other insulation products, and employs about 450 nonsupervisory workers not involved in this proceeding.

The three methods engineers in question, Melvin J. Tarbert, Floyd Stefanacci, and Paul Ross, together do all time studies, methods analyses, and cost computations, upon which the Employer bases its Irwin cost figures, prices, and budget. In varying degree, the methods engineers also survey the plant layout, originate and review manufacturing methods, and suggest new tools for new production. In short, they comprise a cost and efficiency control group for this plant.

Tarbert, the most experienced, performs few time studies. Primarily, he devises manufacturing methods for new products, works on problems involving plant layout and equipment placement, and serves on the plant employees' suggestion committee. As part of his manufacturing methods and plant layout work, *Tarbert* deals directly

with various equipment suppliers and independent contractors. Information received through these activities is transmitted in advisory form to the plant superintendent. Although Tarbert participates in group discussions and decisions resulting in equipment purchases and plant alterations, the record shows that he makes no independent, final decisions in these fields. *Stefanacci* makes some time studies. About 80 percent of his time, however, is spent in computing single process and departmental costs. As a part of this work, he helps the production foremen prepare departmental efficiency and cost reports. *Ross*, the least experienced of the methods engineers, spends approximately 90 percent of his time doing time-study work. As a corollary to this work he recommends necessary methods changes in individual jobs for which he has made time-studies.

The work performed by the methods engineers has no direct relationship to the wages of the Employer's production employees, although the amount of suggestion awards is based upon their figures. No other phase of their work lies within the labor relations field.

All three methods engineers are high school graduates. Tarbert studied accounting for 2 years and took on-the-job production supervision and time-study training courses under a former employer. *Stefanacci* and *Ross* both completed management engineering courses at Pittsburgh Technical Institute. The record does not show that any of these employees have engineering or other professional degrees.

We find no merit in the Employer's primary assertion that the methods engineers are managerial employees. Although Tarbert, the most experienced and the highest paid of the methods engineers, exercises a limited degree of initiative and individual responsibility, he makes no individual decisions on a policy level. Mere participation in conferences of supervisory personnel, from which emerge some decisions, based in part upon his recommendations, does not give this employee managerial status. It is true that he deals with outside contractors, but he is not authorized to sign contracts or otherwise to bind the Employer to any expenditures for new machinery or expansion of plant facilities. No serious contention is made that *Stefanacci* or *Ross* has powers or responsibilities exceeding Tarbert's. The Employer asserts that they are trainees, who will eventually have managerial duties. However, we find that neither Tarbert nor the other methods engineers now occupy a managerial position.¹

There remains for consideration the question whether the methods engineers, as the Employer asserts, are professional employees. As noted above, all of the methods engineers are high school graduates; although they have had some specialized training in connection with

¹ *Northwestern Bell Telephone Company*, 79 NLRB 549, 555.

their work, the record shows that the courses which they have taken did not result in advanced degrees in any recognized professional field of learning or science. The methods engineers do not have repetitive tasks, or do production work, and they must exercise some originality of thought, initiative, and discretion. However, as they are not required to have knowledge of an advanced type in a field of science, it is clear that they do not meet the several criteria by which Section 2 (12) of the Act defines professional status.² Their work appears to be primarily technical in nature. Accordingly, we find that the methods engineers are not professional but technical employees,³ and that, in accordance with established Board policy, they may not be placed in the same bargaining unit with clerical employees when any party objects to such inclusion.⁴ We shall therefore place them in a separate unit of technical employees.

We find, accordingly, that the following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

All methods engineers employed at the Employer's Irwin, Pennsylvania, plant, excluding all other employees, and all supervisors as defined in the Act.

[Text of Direction of Election omitted from publication in this volume.]

² *Florence Stove Company*, 94 NLRB 1434.

³ *The De Laval Separator Company*, 97 NLRB 544.

⁴ *Kurt Versen Company*, 97 NLRB No. 48.

HARRY EPSTEIN, IRVING EPSTEIN, AND LENA EPSTEIN, CO-PARTNERS,
D/B/A TOP MODE MANUFACTURING CO. and LOCAL 108, INTER-
NATIONAL LADIES' GARMENT WORKERS' UNION, A. F. OF L. *Case No.*
4-CA-302. January 29, 1952

Decision and Order

On August 3, 1951, Trial Examiner William F. Scharnikow issued his Intermediate Report in the above-entitled proceeding, finding that the Respondents had engaged in and were engaging in certain unfair labor practices and recommending that they cease and desist therefrom and take certain affirmative action, as set forth in the copy of the Intermediate Report attached hereto. Thereafter, the Respondents and the General Counsel filed exceptions to the Intermediate Report together with supporting briefs. The Respondents also filed a motion to reopen the record with affidavits attached, alleg-